

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

Nos. 16-2436 & 16-3796

RYAN FAIN, on behalf of himself and all others similarly situated,  
Appellant

v.

USA TECHNOLOGIES, INC.; STEPHEN P. HERBERT; DAVID F. DEMEDIO;  
JAMES DUNCAN SMITH.

On Appeal from the United States District Court  
for the Eastern District of Pennsylvania  
(D.C. No. 2-15-cv-05427)  
District Judge: Honorable Mark A. Kearney

Argued on March 28, 2017

Before: AMBRO, VANASKIE, and RESTREPO, *Circuit Judges*

JUDGMENT

This cause came to be considered on the record from the District Court for the Eastern District of Pennsylvania and was argued on March 28, 2017.

On consideration whereof, it is now hereby ORDERED and ADJUDGED by this Court that the Orders of the District Court entered April 14, 2016 and September 19, 2016 are AFFIRMED. Costs taxed against Appellant. All of the above in accordance with the Opinion of this Court.

ATTEST:

s/ Marcia M. Waldron  
Clerk

Dated: August 30, 2017

 Certified as a true copy and issued in lieu  
of a formal mandate on 09/21/2017

Teste: *Marcia M. Waldron*  
Clerk, U.S. Court of Appeals for the Third Circuit